

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dwight Allen Merriman *et al.* Art Unit : 3714
Serial No. : 09/577,798 Examiner : Ronald Laneau
Filed : May 24, 2000 Conf. No. : 4541
Title : METHOD OF DELIVERY OF TARGETING, AND MEASURING
ADVERTISING OVER NETWORKS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS BY NICHOLAS A. BERO

I, Nicholas A. Bero, am a Patent Attorney with the law firm of Fish & Richardson P.C. Fish & Richardson P.C. represents Google Inc., the Assignee of the above-captioned patent application. I hereby declare that I have first-hand knowledge of the facts recited herein.

1. On December 15, 2011, I sent an email to Dwight Allen Merriman (hereinafter “Mr. Merriman”), at dwight@10gen.com, attaching a Reissue Application Declaration by the Inventor (form PTO/SB/51 (05-08)) and requesting signature and return of the Reissue Application Declaration by the Inventor.

2. On December 22, 2011, not having received a signed Reissue Application Declaration by the Inventor from Mr. Merriman, I sent to Mr. Merriman a follow-up email, requesting his signature and return of the Reissue Application Declaration by the Inventor.

3. On December 23, 2011, I filed a Petition under 37 C.F.R. § 1.47(a).

4. On January 12, 2012, the USPTO mailed a Petition Decision dismissing the Petition.

5. On February 27, 2012, I sent a letter to the last known address¹ of Mr. Merriman by Certified Mail requesting his signature on the Reissue Application Declaration. The letter was mailed with a copy of the application papers and a copy of the pending claims.

6. On March 6, 2012, I received a Certified Mail Receipt that indicated the Certified Mail had been delivered to the last known address of Mr. Merriman. The Certified Mail Receipt indicates that an "E. Lewis" signed for the Certified Mail on February 29, 2012.

7. To date, I have not received a response to my emails of December 15, 2011 and December 22, 2011, nor I received a response to my Certified Mail sent February 27, 2012 (apart from the Certified Mail Receipt, which was signed by a person other than Mr. Merriman).

To the best of my knowledge, Mr. Merriman has not signed the Reissue Application Declaration by the Inventor as of today's date.

¹ The last known address is: 737 Washington Street, New York, NY 10014. This address is listed as the last known address in Fish & Richardson's client database.

Applicant : Dwight Allen Merriman *et al.*
Serial No. : 09/577,798
Filed : May 24, 2000
Page : 3 of 3

Attorney's Docket No.: 16113-1341RE9
/ GP-1700-03-US-RI

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: March 12, 2012

/Nicholas A. Bero/
Nicholas A. Bero
Reg. No. 67,946

Customer No. 26192
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071